



State of New Jersey
DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

October 26, 2020

James Piro

Re: **Notice of Summary Suspension:**
EMT and Paramedic Certification # 3617
(EMS ID # 562457)
Investigation Control #2020-0107V

Dear Mr. Piro:

The New Jersey Department of Health (Department) is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7 to -69, which govern the provision of advanced life support services within the State of New Jersey, and the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 to -26, which was enacted, in part, to ensure that all hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2(b), health care services include any pre-hospital care rendered by paramedical and ambulance services. These laws establish a scheme that permit certain individuals, once certified, to perform basic life support and/or advanced life support services. In furtherance of the objectives set forth in the statutes, the Department of Health has adopted regulations that govern the training, certification and professional conduct of Emergency Medical Technicians (EMT) and Mobile Intensive Care Paramedics (MICP). See N.J.A.C. 8:40A and N.J.A.C. 8:41A.

On September 4, 2020, the Department's Office of Emergency Medical Services (OEMS) received a notification that you allegedly assaulted a patient in your care on July 4, 2020, while you were serving as the Acting Tour Chief in Jersey City, New Jersey. Consistent with its regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified as a MICP since July 26, 2012, and as an EMT since August 24, 2006. The initial investigation conducted by the OEMS consisted of reviewing and analyzing the report provided by Robert Wood Johnson Barnabas Health (RWJBH) Mobile Health Services Management and the witness interviews and statements of the July 4, 2020 incident.

According to the RWJBH report, you responded to a call for assistance made by a Basic Life Support (BLS) unit and an Advanced Life Support (ALS) unit when they encountered a patient who was combative, uncooperative, and thrashing around. The patient was restrained and placed in the ambulance by other technicians for transport to the hospital.

While the ambulance was en route to the hospital, witnesses reported the patient's hands came free and he began thrashing about. The ambulance stopped, and multiple witnesses stated you entered the ambulance with Station Supervisor John Bonvenca and EMT James Han and the three of you began striking the patient repeatedly with closed fists. Multiple witnesses stated you then directed them to lie or file vague statements to cover up the assault. When the patient arrived at the hospital, he presented to hospital staff with swelling of the forehead and his right eye was swollen shut.

When you were initially interviewed by RWJBH about the incident, you denied anyone hit the patient, and suggested the patient may have sustained the injuries from a fall (the original reason for EMS response). However, during a second interview, you admitted Bonvenca had struck the patient several times and kneed the patient in the face. You also admitted you had struck the patient in the chest but claimed it happened in an effort to hold the patient down. However, prior to your second interview, there is no indication you made any effort to report the assault.

As you are aware, EMTs and MICPs (hereinafter clinicians) must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. In order to effectively care for all patients, clinicians must exercise good judgment and treat patients with dignity and respect. Indeed, striking a patient is never an appropriate response to a situation and is deemed abuse of a patient, a prohibited act under N.J.A.C. 8:40A-10.2(b)(5) and N.J.A.C. 8:41A-5.2(b)(5).

Based upon the foregoing, the Department has determined that your EMT and MICP certifications must be **summarily suspended**. Pursuant to N.J.A.C. 8:41A-5.2(a), "the Commissioner, or his designee, may summarily suspend a person's Paramedic certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare." See also N.J.A.C. 8:40A-10.2 (identical grounds for summary suspension of an EMT certification). Because the investigation to date has revealed that you acted in an abusive manner towards a patient, which is indicative of poor judgment and a disregard for a patient's dignity and well-being, the Department finds that your continued certification as an EMT and MICP constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certifications as an EMT and MICP are immediately suspended and shall remain suspended until lifted by the Department or a court of competent jurisdiction. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT or MICP in New Jersey during this period of suspension.**

In the interim, the OEMS will continue to investigate this matter. After OEMS completes its investigation, you will be advised of what action(s), if any, OEMS will take with respect to your EMT and MICP certifications.

In accordance with N.J.A.C. 8:41A-4.1(f)(2) and N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT and Paramedic certification cards to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or by physical delivery to Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

Pursuant to N.J.A.C. 8:41A-5.3(a) and N.J.A.C. 8:40A-10.3(a), you have the right to appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. A request for emergency relief shall be submitted in writing and shall be accompanied by a response to the charges contained in this Notice. Please include the control number **2020-0107V** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360

Failure to submit a written request for emergency relief within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your certifications as an EMT and Paramedic pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Eric Hicken, Chief of Licensing, Inspections and Enforcement at (609) 633-7777.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

c. Eric Hicken, Chief, Licensing, Inspections and Enforcement

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED